



Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
September 30, 2004

The meeting of the Washington State Podiatric Medical Board was called to order by David Bernstein, DPM, Chair, at 9:05 a.m. The meeting was held at the Holiday Inn, 17338 International Boulevard, Seattle, WA 98188.

Board Members

Participating: David Bernstein, DPM, Vice-Chair
James Porter, DPM
Stewart Brim, DPM

Staff Participating: Arlene Robertson, Program Manager
Gail Yu, Assistant Attorney General
Peter Harris, Staff Attorney
Jennifer Wolfe, Administrative Staff

Guests Attending: Robb Menaul, Washington State Hospital
Association

Open Session

1. Call to Order
 - 1.1 Approval of Agenda

The agenda was approved as published.

- 1.2 Approval of Minutes - June 24, 2004

The June 24, 2004 minutes were corrected to include Gail Yu, Assistant Attorney General, in attendance. The minutes were approved to include the correction.

- 1.3 Approval of Conference Call Minutes - July 29, 2004

The July 29, 2004 conference call minutes were approved as written.

- 1.4 Approval of Conference Call Minutes - March 11, 2004

The March 11, 2004 conference call minutes were approved as written.

2. Laurie Jenkins, Acting Assistant Secretary
Update on Legislative decision packages and proposals and Department of Health issues

Ms. Jenkins provided the board members an overview of her background within the Department of Health and current role as Acting Assistant Secretary of the Health Services Quality Assurance Division. She outlined several decision packages for budget enhancements that have been submitted to OFM for review. If approved by the Legislature, these would provide for additional investigative, legal, and public disclosure staff and replace the computer system for licensing and disciplinary tracking. These changes would be accomplished without fee increases. The changes would also address issues that have been raised by the public, media, and Legislature relative to timeliness, accountability, and sanctioning during the disciplinary process. Currently consolidation of the investigative and legal staffs and program realignments are being done to also address some of the concerns.

Ms. Jenkins shared other changes being proposed within the Division. The Department is proposing that hospital surveys be changed from annual to 18 month reviews. Additional requirements are being proposed for hospital reporting of unprofessional conduct by practitioners.

The retired provider program which pays malpractice insurance for physicians volunteering in rural communities is being proposed to be expanded to other medical specialties.

Ms. Jenkins explained that rumors of the Department seeking Legislation that would combine or eliminate any of the Boards is untrue. She indicated that significant topics that will probably be considered during the upcoming session would be disciplinary and tort reform since the two issues are considered to be intertwined.

The Board was very appreciative of the information provided by Ms. Jenkins and the opportunity to ask questions.

3. (Open Session) Settlement Presentations
(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)

There were no presentations made at this time.

4. Scope of Practice Issues.

4.1 Office Based Surgery

- 4.1.1 Report of the Special Committee on Outpatient (Office-based) Surgery - Federation of State Medical Boards
- 4.1.2 Guidelines of the Washington State Medical Association - Office-Based Anesthesia
- 4.1.3 Statutes/rules of other states requirements
- 4.1.4 Medical Quality Assurance Commission - Public Rules Workshop Notes

ISSUE

Since this issue had been considered prior to when the new members had joined the Board, the Board had requested the background material on office-based surgery be revisited. This topic is of particular interest since it is common for podiatric physicians to perform surgical procedures in their offices.

It was noted that the Joint Commission on Accreditation of Healthcare Organization (JCAHO) standards as related to the scope of practice of podiatric physicians in Washington would permit sedation of patients to a Level 2 or moderate sedation/analgesia (conscious sedation).

The Board expressed concerns about licensees who are not affiliated with a hospital or are unable to get hospital privileges.

ACTION

The Board is interested in identifying whether more complaints of patient harm as the result of surgical procedures are being generated from the office-based setting compared with the hospital setting. Program staff will check to see if that information can be retrieved easily. If that is not possible, cases can be retrieved from Archives to determine the origin of the procedures.

This issue will be reviewed again when the data can be obtained.

- 4.2 Notification from the Drug Enforcement Administration (DEA) relative to changes in the DEA Controlled Substance Registration Certificate

ISSUE

Information from DEA relative to the style and appearance of the DEA Controlled Substance Registration Certificate and renewal of the Registration via the Diversion Control Program's website was shared with the Board.

ACTION

No action was required.

- 4.3 Infections Associated with footbaths/pedicures
 - 4.3.1 Newspaper articles relative to bacterial infections linked to pedicures
 - 4.3.2 Summary of meetings held with the cosmetology program
 - 4.3.3 Department of Licensing - Sanitation and Disinfecting Guidelines for Pedicure Baths/Foot spas
 - 4.3.4 Educational criteria/list of symptoms that pedicurists can recognize before performing a pedicure - Dr. Bernstein

ISSUE

This issue has resurfaced with new outbreaks in Texas. The Board has been in contact with the Department of Licensing to provide technical assistance in the area of medical issues pertaining to the infectious outbreaks. Information received from the most recent meeting with the Cosmetology Advisory Committee revealed that the use of the whirlpool footbaths were minimal among salons and those that were using them were getting instructions from the inspectors on proper cleaning of the devices. The Board has been asked to provide a list of conditions/symptoms that cosmetologists/manicurists can use to identify at risk clients who would be unsuitable to use a footbath.

ACTION

The board members will provide Ms. Robertson with conditions and symptoms that can be compiled into a reference list to be provided to the Department of Licensing for use in education and training of cosmetologists/manicurists in order to safely serve their clients.

- 5. Program Manager Reports
 - 5.1 Budget Reports

The July 2004 budget report was reviewed. Due to increases in investigative and legal costs the Board is over expended in its allocation. Approximately one-half of the over expenditure is due to encumbrances, so the overage is about \$6,000. The Board's current balance has increased during the first year of the biennium.

5.2 Washington Physicians Health Program - August 2004
Statistical Information

The current statistical report reflects an increase of one participant compared to 2003 numbers. There are currently three (3) podiatric physicians under contract with six (6) cases in development.

5.3 Schedule 2005 meeting dates

The following meeting dates were approved for 2005: January 20 (one half to be for training), April 21, July 21 (tentative teleconference), October 20.

Meetings will be scheduled at the Holiday Inn SeaTac.

6. Executive Director Reports
6.1 Department/Division Updates

There were no additions to the report made by Ms. Jenkins.

Closed Session

7. Statement of Allegations/Stipulation to Informal Disposition
Presentations
7.1 Docket No. 04-07-A-1067PO - Presentation by Peter
Harris, staff attorney

Due to lack of sufficient board members to compose a panel, the presentation was continued.

8. Disciplinary Case Reviews - Reviewing Board Member Reports
CASE NUMBER CASE DISPOSITION

2003-09-0001PO Closed no cause for action; below
threshold after investigation.
2004-01-0002PO Closed no cause for action; not a
violation at the time the event
occurred.

9. Compliance Reports
 There were no compliance reports.
10. Application Review
 There were no applications for review.

The meeting adjourned at 1:00 pm.

Respectfully Submitted

Arlene A. Robertson
Program Manager

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